

(Wednesday, May 20, 1964, the trial was resumed)

MR. LEONARD: We will call Dr. Frank C. McGurk, Professor of Psychology, Alabama College. He has not been sworn.

(The witness was duly sworn)

DR. F. C. J. McGURK, called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LEONARD:

Q. Mr. McGurk, would you please identify yourself? What is your present employment?

A. Professor of Psychology at Alabama College.

Q. Have you done any prior teaching at any other institutions?

A. Taught at the University of Pennsylvania, Catholic University, At Lehigh University, West Point, Villanova University.

Q. That's the United States Military Academy?

A. It is.

Q. What degrees do you hold?

A. Bachelor of Science, Master of Arts from the University of Pennsylvania, PhD in Psychology from Catholic University.

Q. What subject was your master in?

A. Psychology.

Q. Are you a member of any professional organizations?

A. I am.

Q. Would you please state those to us, any of the principal organizations of which you are a member?

A. I am a member of the executive board of American Institute of Medical Climatology; member of American Psychological Association; member of the American Eugenics Society; and a member of the Society of Sigma Psi.

Q. Is Sigma Psi a professional honor society?

A. It is the professional research honor society.

Q. Thank you.

MR. LEONARD: I will offer in evidence a statement of the qualifications of Dr. F. C. J. McGurk, Professor of Psychology, Alabama College, and ask that it be marked in evidence.

THE COURT: Let it be received in evidence.

(Same received in evidence and marked as Intervenor's Exhibit No. 8)

Q. Dr. McGurk, have you published any work in the field of racial psychology?

A. I have.

Q. Could you give us some examples?

A. The first one appeared in 1943. Would you like me to detail them?

Q. No, just generally.

A. The first article was in 1943, and it dealt with school ability of children in Richmond, Virginia. 1951 I published an article dealing with the test scores of Negro and white children in the North. 1953, two studies dealing with Negro and white differences. 1956, a study, and in 1959 or '60 another study dealing with the same material.

Q. What was your subject of your doctorate thesis?

A. It was a study of the test score differences of Negro and white high school seniors.

Q. Is that one of the studies you have just referred to?

A. It is one of the studies.

Q. As a matter of background, Doctor, to what extent is there any meaning in the testing such as you were doing in terms of predictability or academic or scholastic success?

A. The psychological tests are measures of the ability of a group of children to achieve in school. They are measures of school achievement abilities.

Q. In other words, the group's probable success and aptitude can be shown by testing?

A. Yes.

Q. Has the testing which you have done and of which you know in this field indicated that there is any substantial difference between Negro and white children as a group?

A. Well, on every study that has ever been done, as far as I know, the Negro's average score has always been lower than the white average score.

Q. Do they differ at all in their educational aptitude by subject matter, as far as you know?

A. To the extent that these tests are measures of scholastic achievement, there is a difference.

Q. In other words, the tests which are currently used, by and large, show a difference in scholastic achievement by subject?

A. The tests on the face do not; by implication, they do. Since the tests are related to achievement, then one can project from the knowledge of the test score the scholastic achievement.

Q. Now, those are the mental maturity type tests that you are talking about now?

A. Yes, they are sometimes called that.

Q. And either by correlation or direct imputation the so-called achievement tests by subject matter then would follow this out?

A. Yes, but always by correlation.

Q. I see. Do you know of any explanation which has been given for these differences which has to any extent been studied by you?

A. Yes. It's hard to say when it was first announced, but the usual explanation is now known as the cultural hypothesis.

Q. Could you explain what that means and tell us where it started?

A. I just don't know where it started, but I do know that it is held widely among sociologists, widely, and widely among some psychologists. The point they try to make is these test score differences are caused, directly caused by differences in socio-economic status, or culture status, that one group is more acculturated than the other.

Q. In other words, if I understand this correctly, it is that

since the Negro in America is viewed as being in a lower cultural status than the white, as an assumption, I presume, for this theory?

A. That's true.

Q. And the test results will necessarily be lower?

A. Yes.

Q. Well, does the cultural hypothesis then say anything about how to change this?

A. As stated by Klineberg, -- and this is not a word for word statement, but it's pretty close to the word for word meaning -- that as the socio-economic status of the Negro as a group becomes closer to the socio-economic status of the whites as a group, test score differences will disappear.

Q. In other words, this hypothesis says that if you bring them up to the same socio-economic status, there will be no more difference between them in achievement or in mental maturity?

A. Well, even more than that, because as you bring them up to this identical, as you bring them from this status, then, that there will be a constant reduction in test score differences; as there is a constant reduction in socio-economic differences, there is a constant reduction in test score differences.

Q. Is there any way that this hypothesis can be tested, Doctor?

A. Yes.

Q. How?

A. Well, I tested it in 1951.

I simply measured the socio-economic status of a group of Negro and white children.

Q. Before we come to that, has there been any other work done in an effort, before yours?

A. I think not.

Q. -- In an effort to match socio-economic conditions?

Have there been any reliable studies in the field, other than yours, which have used a broad sampling?

A. Yes. I think it might be well for me to modify what I just said. There have been studies prior to mine that did use socio-economic status as one of the test variables, but no studies prior to that attempted to show that as the difference decreased in socio-economic status, the test differences decreased.

Q. I see. Prior to that time, they used static groups, I take it?

A. Yes, generally.

Q. In other words, it was just a simple equating, but without any effort to do it on a proportionate or percentage basis? To find whether it increased variability.

A. Without any attempt to make a change in the variable called socio-economic status.

Q. Were any studies made about the time of World War I?

A. During World War I, a study was done by a group of Army psychologists headed by Yerkes, in which they tested a great number of white and Negro draftees.

Q. What conclusion did they reach?

A. Well, they came to the conclusion that for the nation as a whole, and pretty much state by state, that the Negro group overlapped the average score of the white group by about 27, 28, 29 percent.

Q. What overlap would mean that the two groups were the same?

A. 50 percent.

Q. And the overlap found in World War I was 27 percent?

A. 27 to 30 percent.

Q. With the changes which have occurred in the culture of Americans since World War I, has this overlap substantially changed today?

A. It has not decreased very much.

Q. Have there been studies on test score differences which you have prepared for your work? Are you familiar with the test score differences generally in the literature?

A. Yes.

Q. When you said before that they all show the same results, that those differences in achievement, differences in mentality, do exist, are you saying that they are all consistent to this end? There are no contradictions in it?

A. I think it's fair to say that they are consistent. I know of no study that has ever been done, ever, in which the Negro group achieved an average score equal to the white group. I know of no study.

Q. Now, that would not be limited to the South, I take it?

A. No, no. No, no.

was the same?

A. Yes.

Q. Do you know of any examples?

A. The earliest one I can think of is Tanser's study. Tanser's study was done in Kent County, Ontario, Canada, which was done in 1939. Now, Kent County was the northern terminus of the underground railway during the Civil War, and most of the Negroes/got into Kent County were escapees from the United States, and they were accepted in Canada pretty much without prejudice and without any discrimination, and yet the average scores of the children who were their descendants is about equal to the average scores of the Negroes in New York City --- that is, considerably below whites.

Q. What was the percentage of overlap which Tanser found?

A. My recollection is that it's around 17 to 20 percent.

Q. In other words, less than Negroes found in World War I on all Negroes in the United States, including the South?

A. Yes.

Q. Was a study ever made in this field by Bruce?

A. Bruce did a study in this country. He was concerned with Virginia children, young Virginia Children.

Q. Would you identify Bruce for us?

A. Bruce is a psychologist who is now out of the field. She is married, I understand, and is no longer participating in these endeavors.

Q. Who was she with?

A. She was at Columbia University, if I recall correctly, and was, I think, a pupil of Klineberg.

Q. What was the subject of her study?

A. The Virginia children, Negro and White, in the lower grades. She matched a group of white children against Negro children for scores on socio-economic measure which was currently used at that time, and found that even when socio-economic status was more equal — she called it "practically equal" at first — even under those circumstances, the Negro scores were much lower than the white scores.

Q. What degree of overlap did she find?

A. 10 or 15 — Around 15 percent, I believe.

Q. In other words, considerably lower than the overlap of all the scores of Negroes tested in World War I?

A. Yes, much lower.

Q. Even after all this — Even after she had made this equating of the social conditions of her white and Negro subjects?

A. Yes.

Q. Did Dr. Shuy ever make a study in that field?

A. Shuy studied a group of very select students from a New York university.

Q. Would you identify Dr. Shuy for us?

A. Shuy is now Professor of Psychology at Randolph-Macon College for Women.

Q. Has she ever written in this field that you know of?

A. Yes. She wrote the study on the New York group, and then she

is the author of the book known as TESTING OF NEGRO INTELLIGENCE.

Q. Is that a comprehensive book?

A. Very comprehensive.

Q. In your opinion, is it a valid text on the subject?

A. I think it is. I think it is a perfectly grand survey of the field.

Q. And what was Dr. Shuey's work at New York University?

A. She selected her subjects so that she could match a Negro subject and a white subject when both of them were considered almost identical in socio-economic status, and there were a number of matching criteria so that a great many people were rejected from her studies because they did not satisfy the criteria.

Q. Would you give us some examples of the criteria you are referring to that are used to measure socio-economic status?

A. In connection with Shuey, I can recall that one of the matching factors was the place of birth of the father. If the father of the subject was born out of the country, out of New York City that student was matched with someone whose father was born out of New York City. If the subject's father were born abroad, then that subject would have to be matched with another whose father was born abroad. If the subject had attended a segregated school and had moved North, then that subject was matched with another one who, as closely as possible, approximated the type of school from which the subject came.

Of course, that was not possible in all cases, but matching was exceedingly close according to what she thought.

Q. How about salaries, wages?

A. Wage was a matching factor.

Q. Rent paid?

A. I don't recall that that was specifically a matching factor.

Q. Well, are there any economic factors generally, as to the family background as well as the amount ---

A. Education of the parent was a matching factor.

Q. The type of education which had already been gotten?

A. And the amount.

Q. What was Shuey's conclusion in this?

A. Shuey found that the overlapping was somewhere in the neighborhood of 20 percent. Somewhere in that neighborhood.

Q. In other words, a gain, less of an overlap than was found on all Negroes and whites in World War I by Yerkes?

A. Yes, in spite of the fact that this was an exceedingly selective group. Exceedingly selective.

Q. Has any study been made, to your knowledge, by Brown in this?

A. Brown did the study in the Minneapolis kindergarten.

Q. Who was Dr. Brown?

A. I don't know Brown. I don't know whether he is an educator or a psychologist or what.

Q. What is the nature of his study?

A. He studied the test scores of white and Negro kindergarten

children in Minneapolis. That's preschool children, and I assume -- he didn't state in the study, but I assume the children were about five years old.

Q. Did he match them at all for status?

A. He made no attempt to match them for status, but commented that since they were children and since they were young and attending kindergarten that we could assume that the children were somewhat more equal in socio-economic status than if they were older children; since they were in kindergarten, there would be less disparity in socio-economic status.

Q. What overlap did he find in kindergarten?

A. 31 percent. Now, he did not say this, but by re-studying his figures, I computed 31 percent. He stated that there was no difference between the white and Negro children.

As a matter of fact, the difference is very large and statistically significant.

Q. And on the tests which you have known of and on the figures which we have had, if there's a 31 percent overlap of the kindergarten grade, does that stay the same thereafter, or does it tend to diverge?

A. That 31 percent is the largest percent of overlapping of which I know.

Q. This is on kindergarten children?

A. On kindergarten children.

Q. And that as we come up to World War I, the age of the draftees  
in World War I was 27 percent.

Q. And when we got to the people by Dr. Shuey at NYU, it was what?

A. I think 17 to 20 percent, in that range.

Q. Thank you.

Do you know of a study made by Rhoads and others?

A. Rhoads and others did a study in Philadelphia.

Q. Would you identify them for me?

A. Rhoads was a medical doctor, physician, a pediatrician, I believe, interested at the time in the effects of canned milk on the growth rate of children. The psychological study was an off-shoot of that.

Q. What was the nature of the study he made?

A. The children were very young, somewhere, I think the study started when the child was somewhere around six months of age. And there were several physical examinations. As I recall, the children were examined physically periodically every six months, and those children who failed to keep an appointment to come in for the six month check-up were automatically dropped from the study. Now, that means each child was examined physically so and so many times during the study, and the psychological tests were given when these children were in the neighborhood of age 3, so that they had had a lot of study prior to that, and by the time we got to age 3, all the people who were ready to drop out had dropped out.

Q. Was there any matching for socio-economic status?

A. Not deliberately, but since the study was done on children who were called "deprived children," and since all of them lived in the slum area of Philadelphia, it was assumed that most of them were of most comparable socio-economic status than would have been under other circumstances.

Q. And what was the overlap he found?

A. Dr. Phoenix didn't publish any overlap, but again, computing on the basis of his figures, my recollection is that it was around 25 percent, plus or minus.

Q. Now, what was your study in this field?

A. My study was ---- Each one of these studies that I have talked to you about was in some way defective; they either matched socio-economic status by hoping that it was equal, or they did some such thing that wasn't quite satisfactory. What I wanted to do was to match the socio-economic status on some objective and clear-cut basis and hold to it, and find out whether, as Kluberg stated, there was a change in test score difference as there was a change in socio-economic status. This would be, in effect, testing the culture hypothesis.

So I developed a rating instrument for rating socio-economic status of the subject, and then on the basis ---

Q. ---- Describe it for us.

A. Yes. It was what is called the Sims Rating Scale, S-i-m-s, the Sims Rating Scale. It had been used for years prior to the

in it, such as, "Does your family have a telephone?" Well, by the time I got hold of it, everybody had a telephone so that it doesn't much matter. Things like that had to be gotten out. So we tested the test and threw out a lot of the items that were not discriminating between people --- that is, everybody had a telephone, that's not an important question, or if nobody had something, that's not important.

I ended up with fourteen things that were important: One was the mother's education; the father's education; the occupation of either the mother or the father, depending on who it was who earned the living for the family; the membership in clubs for the mother --- Families where the mothers belong to clubs are usually higher in status than families where mothers do not belong to clubs. I found the number of books in the home an important thing. And altogether, fourteen of such items, which I could enumerate for you exactly if you wish.

Q. And this was the basis of your pairing of these groups?

A. This was, but in this fashion: The score that the Negro subject obtained on this rating scale became the criterion for matching a white subject with him.

Q. In other words, they were paired?

A. They were paired, so that the white subject was paired permanently with a Negro subject, so that in each case each of

the two children had exactly the same scores on the socio-economic scale, or, if that was not possible, then the white subject had a lower score in every case. In no case — We can say it this way: In no case did the white have a higher socio-economic status than the Negro.

Q. In the test itself and in your test construction, Dr. McGurk, wouldn't you nevertheless have favored the white group by having cultural questions in your test?

A. In the test, there's a possibility, but in this socio-economic business that we're talking about, that did not enter. That's clear.

Q. In other words, the back ground was the same in both cases for each of the pairs, or the white was lower?

A. Yes.

Q. Now, as to the construction of the test which you gave itself?

A. The measuring instrument.

Q. The measuring instrument. Were you able to remove the cultural effects from that?

A. In part. In part. Now, what I did there was to go through a file of old psychological tests, and at random I picked every 10 or 12 questions and ended up with about 300 questions. We submitted the 300 questions to several groups of children and threw away all the questions that were failed by 80 percent and threw away all the questions that were passed by 80 percent of the sample. That took care of the easy questions and the hard questions. Then I had the remaining

questions which were now down to, let's say, 125 --- I've forgotten now exactly --- but I took the remaining questions to a group of school teachers, sociologists and psychologists and others, a group of about 500 actually, and I asked them if they would rate these questions into three piles. I had the questions printed one question on a single 2 by 3 card, and I gave them this great big stack of cards and said, "Rate these questions; put over here those you think are heavily culturally loaded, and put over here those you think are not heavily culturally loaded, and put in the center those you think you can't make up your mind about."

Unfortunately, out of the 500 or so people, less than 50, I guess, separated the questions. The others either got confused or didn't feel like doing it. So that on the basis of between 50 and 75 people, I had then a pile of questions that school teachers and sociologists considered culturally loaded and another pile not considered by them heavily culturally loaded. Now, there's no question about getting rid of culture. You just don't do it. But ---

Q. Well, we're speaking about it now. What does culture mean in a test question?

A. A sociologist named Harrell wrote a great, big, thick treatise on it, and he said "I don't know."

Q. Have you improved on that?

A. I have not.

Q. All right. What did you do with the heavily loaded cultural

questions?

A. Then I readministered these two piles; the heavily loaded questions; and the not heavily loaded questions were readministered to a group of subjects, and I counted the number of subjects who got each question correct, so that for, let's say, 125 questions I could then put the questions into order by whether they were culture questions or not culture questions in terms of the hardest down to the lowest, in terms of the percentage of people who got each question correct. Then I paired them, so that for a cultural question passed by 65 percent of the subjects, I matched with it a non-cultural question passed by 65 percent of the subjects; and a cultural question passed by 25 percent of the subjects was paired with a non-cultural question passed by 25 percent of the subjects. The result was 74 pairs of questions. And that's the test.

Q. All right. Would you state to me what the results of the test showed?

A. The test was administered to every high school that I could get into in Pennsylvania and New Jersey, all unsegregated.

Q. Now, when you say "unsegregated," they actually had Negro pupils in them, or was it simply state law that they weren't separated?

A. They actually had Negro children in them.

Q. And all of the Negro children you took in this test were attending an integrated high school?

A. Yes, and had been all their lives.

Q. And had been all their lives.

A. There are only fourteen schools that we could get into. For one reason or another, the schools were inaccessible or did not wish to cooperate, but we administered this test in fourteen different high schools in Southeastern Pennsylvania and Northern New Jersey.

The results came out something like this: As far as total score is concerned --- that is, culture score plus non-culture score --- as far as total score is concerned, the whites were higher in average than the Negroes, and the overlap was about 27 percent --- that is, 27 percent of the Negro children attained scores that were equal to or higher than the average score of the white children.

Q. In other words, exactly the same, essentially, as Yerkes had found in World War I? --

A. Yes.

Q. -- In 1916, on all Negroes of the United States, including the South?

A. Yes.

Q. And all schools, whether separate or mixed.

A. Well, I had no segregated schools.

Q. No, I don't mean that. In World War I. I assume the Negroes tested in World War I came from all types of schools?

A1 Yes.

Q. And the overlap you determined from this culturally socio-

economically matched set, with Negroes who had been brought up completely in interracial schools, was the same as in World War I for the entire country, without limitation?

A. Yes. --Without limitation?

Q. In other words, no limitation of the World War I figures.

Everyone who fought in the services, I take it, was tested?

A. I don't think so. There were some people taken in who were not examined. These were draftees. Volunteers I don't think were examined.

Q. I see.

Have you ever brought that study --- What was the date of that study?

A. This was in 1950, the spring of 1950.

Q. Did you at any time publish an article covering that work?

A. I did.

Q. Where?

A. It is published on micro-card, "Comparison of the Test Scores of Negro and White High School Seniors," et cetera, Catholic University, Washington, D. C.

Q. I see. And have you at any time done any further work to either bring that up to date or to check it further?

A. Yes. I became interested in the figures showing the relationship between the culture and the non-culture scores. Now, we were calling the the scores culture and non-culture, with

the understanding that the culture scores were those considered heavily laden with culture, and the others not heavily laden with culture; so for the sake of ease of speaking, we refer to them as the culture scores and the non-culture scores.

Now, another one of the hypotheses that had been advanced by Klineberg and some of his associates was that the reason Negroes obtained such low average scores on psychological tests was because the tests were weighted with culture, so to test this hypothesis, I compared the culture scores --

Q. -- This isn't the same as culture hypothesis?

A. No, this is somewhat different, but it's pinned to it.

Q. Distinguish the two for me.

A. Well, the culture hypothesis is a generic statement of the problem, that the reason for any test score difference, culture or non-culture, any test score difference is because of the culture factor. Those who have the best culture, the widest possible culture, make better scores on psychological tests than those whose culture is restricted. That is the general statement of the culture hypothesis. Now, as a sub-statement, Klineberg had announced that the Negro pupils who had restricted cultures were also deficient in their performance on verbally weighted material.

Q. What do you mean by that?

A. Verbally weighted. Such a question as this: "Mozart scored his symphonies in the key of what?"

Q. That would be ---?

A. That would be culturally loaded.

Q. You think that would be culturally loaded?

A. Oh, very. Very.

Q. What would verbal be, as opposed to that?

A. Same thing. It was assumed that verbal questions were culturally loaded.

Q. In other words, anything that you read is culturally loaded, in the sense that you have to learn to read?

A. I suppose you could drive it back to anything in words.

Q. Anything in words, you have to have a culture in order to be able to appreciate it. How do you avoid this in testing?

A. Well, I started to say, there is no clear understanding of what is a culture thing and what is a non-culture thing because nobody knows what culture is.

Q. Well, in this further test, what specifically were you trying to determine.

A. I was trying to determine whether the test score difference, whether the Negro-white difference, was greater on the culturally loaded questions than it was on the unloaded, or so-called non-cultural questions.

Q. In other words, the difference between whether they can recognize the key of Mozart, one of Mozart's works, on the one hand, as against being able to recognize that music has tempo?

A. Well, as an example of a non-culture question, I think we used this: "The sun rises in the what?" Because it was assumed that anybody who had lived long enough to see the sun come up and who could talk had some idea --- and certainly

any child going to school.

Q. In other words, if he had what we might call orientation.

A. Yes.

Q. To whom was this test given?

A. It was given to the same group of children that I worked on before, the Negro and white high school seniors in Northern New Jersey and Southeastern Pennsylvania high schools.

Q. And how did you divide them for this purpose?

A. Just by race at first, and I observed that the difference between the Negro and the white pupils on the culturally loaded questions was smaller than the difference between the Negro and the white children on the non-cultural questions.

Q. What you're saying, if I understand it, is that the more culturally loaded the question was, the greater the degree of overlap, the less the variation between the Negro and white?

A. Exactly, which is exactly opposite to what the hypothesis of the sociologists would have you believe.

Q. Is there any way you could further check this study?

A. No, I didn't have an opportunity.

Q. Did you divide your subjects at all into good or bad performers?

A. No. I later divided them into high and low socio-economic groups.

Q. How did it come out?

A. The point I was testing there was, if the culture hypothesis has any opportunity to work at all, if it's of any importance, certainly the subjects with the highest socio-economic status should show a certain ratio difference on

subjects of the lowest socio-economic status. So what I did was to take 25 percent, the highest quarter, of the Negro pupils whose socio-economic scores were the highest, and along with them, of course, went the white children who were matched with them. It was not the highest

quarter of whites; it was simply the highest 25 percent of Negroes, plus the whites who had been permanently matched with them. And I compared their performance with the lowest 25 percent of Negroes and the white subjects who had been matched with them. So I have now two groups. I call this one the high socio-economic group and this one the low socio-economic group.

And I found this: that there was practically no difference. The differences between the whites and the Negroes in the low socio-economic group was practically zero; the significance was very low. But when I compared the Negroes and whites of the higher socio-economic group, I got tremendously big differences, statistically significant, which was exactly opposite to what the culture hypothesis said, exactly opposite.

- Q. In other words, the higher the social condition of the Negro involved, the greater the disparity between the groups?
- A. Yes. The greater the opportunity for socio-economic expression --
- Q. And this is in addition to the fact that the more culturally loaded the questions on the test itself, the greater the disparity?

A. Yes.

Q. Well, in terms of a total conclusion, do you feel as a result that the culture hypothesis still has any validity to it?

A. This I can say without any qualification: There is absolutely no evidence anywhere from anybody that the cultural hypothesis has any validity.

Q. In other words -- Well, there must be statements by somebody.

A. Oh, I said evidence.

Q. I'm sorry.

A. And I don't mean evidence in the legal sense. I mean factual evidence.

Q. Test evidence?

A. Yes. Scores. Numbers.

Q. There is no study that shows it?

A. None.

Q. And you feel that your study has disproved it?

A. Let's put it this way: All of the studies that are extant show exactly the opposite. All of the studies.

Q. Of your studies?

A. My study too. Show exactly the opposite.

Q. In other words, your study is consistent with all other the earlier studies?

A. Yes.

Q. And as far as your professional knowledge goes, there are no actual test results to the contrary?

A. Exactly.

Q. Tell me this: Have you published this material anywhere? Have you published the results of these studies?

A. I have.

Q. In what publications?

A. The first was the micro-card that I discussed with you, and that study was then re-written and published in MANKIND QUARTERLY, the exact volume and pages I don't know, but it was published in MANKIND QUARTERLY. The result of the culture non-verbal questions was published in THE JOURNAL OF APPLIED PSYCHOLOGY. The study of the high and low socio-economic groups was published in the JOURNAL OF ABNORMAL AND SOCIAL PSYCHOLOGY.

Now, there have been subsequent papers in which I have expanded and defended this.

Q. Has this ever been reported on<sup>in</sup> any of the magazines?

Has your study ever been reported on that you know of? Have you ever summarized it for any magazine?

A. U. S. NEWS AND WORLD REPORT.

Q. When was that?

A. That was in 1956.

Q. I show you, Dr. McGurk, a Xerox reprint of pages 92 through 96 of U. S. NEWS & WORLD REPORT for the week of September 21, 1956, entitled "Psychological Tests -- A Scientist's Report on Race Differences," and ask if this is what you have just referred to?

A. Yes, this is the study.

MR. LEONARD: Your Honor, I offer in evidence Dr. McGurk's report on the studies to which he has just testified.

THE COURT: Let it be received in evidence and marked.

(Same received in evidence and marked as Intervenor's Exhibit No. 9)

Q. Was any reply made to your articles?

A. To this article, yes.

Q. Have you ever written a rebuttal?

A. No, I was forbidden to.

Q. By whom?

A. By the college at which I was teaching.

Q. For what reason?

A. I don't really know. The reason given was that they didn't want to get into controversial issues.

Q. Well, if what you have told us is correct, Dr. McGurk, if all of the studies and all of the tests that have been made show the same conclusion, could it hardly be a controversial issue?

A. Well, I didn't feel it was controversial either, but college administrators have different ideas, I suppose.

Q. In any event, you did not publish a rebuttal, at the specific request of your university?

A. Yes, because certain organizations had visited them in an attempt to have me discharged.

Q. Have you ever written for HARVARD EDUCATIONAL REVIEW?

A. I wrote an article to the HARVARD EDUCATIONAL REVIEW in

answer to one they published. Now, incidentally, it might be interesting for the record that my suspension from publication lasted two years. After two years the university lifted my ban.

Q. Has this ever happened to any other professors that you know of?

A. Specifically, of people whom I know, just one. And this is simply his own word of mouth conversation.

Q. I won't ask for it then. In any event, after the two years you were allowed to write again?

A. Yes.

Q. And did you at that time respond to an article in the HARVARD EDUCATIONAL REVIEW?

A. I did.

Q. What was the nature of that?

A. Two men at Harvard, one an undergraduate by the name of Dannerath, and a person by the name of McCord, sociologist, wrote an article assailing my findings on certain points, which I answered point by point in an article entitled "'Negro vs. White Intelligence' - An Answer."

Q. I show you a Xerox reprint of pages 54 through 62, Volume xxix, No. 1, of the HARVARD EDUCATIONAL REVIEW, Winter, 1959, entitled "'Negro vs. White Intelligence' - An Answer," by Frank C. J. McGuirk, and I ask you if this is the article to which you have just referred?

A. It is.

MR. LEONARD: I offer in evidence at this time the article just identified by the witness.

THE COURT: Let it be received in evidence and marked as an exhibit.

(Some received in evidence and marked as Intervenor's Exhibit No. 10)

Q. What does this leave you with, Dr McGurk, as an explanation of the differences in learning patterns and aptitudes which we have been considering in this case?

A. To the extent that these psychological tests are predictors of school achievement.---

Q. Are they?

A. And they are, but not perfect ones. --- It leaves simply this: That it should not be expected that white and Negro children should achieve, on the whole -- it should not be expected that they should achieve the same amount of achievement in school, that there will be a difference in achievability in school subjects.

Q. Do you think this difference is educationally significant, Doctor?

A. It would be a guess now, and it would be inferred from my other data, and the evidence, and what I see is that it is a big difference; quite a big difference.

Q. Would it suggest to you that a difference in rate of teaching would be of advantage between the two groups?

A. Yes, for the same reason that it's always an advantage when you have slower learning people.

Q. Would it suggest to you different emphasis on various parts of the curriculum?

A. Yes, I think it would.

Q. Would it suggest to you possibly different treatment in the teaching of some of these subjects?

A. Yes. These are all things which one could infer out of the factual knowledge.

Q. And would it suggest to you that for the maximum and best education of the children of each of these groups that the type of education that they should be given should be different?

A. Yes, to the extent that we have this difference in educability. It would seem more efficient on the whole ---

Q. --- Assuming that you wanted to match the educability of each of these groups.

A. It would be more efficient on the whole to separate and teach them by their educability groups.

Q. Tell me one last thing, from your studies: If we ~~were to~~ <sup>try to</sup> intermix white and Negro children, have your studies indicated whether this will raise the so-called cultural level of the Negro children?

A. No, there is no evidence at all that it will.

Q. From the extent of your studies, would you say actually that the groups will get a better education?

A. No, I have no evidence to say that.

Q. Thank you very much, Doctor.